

**Environmental Permitting (England and Wales) Regulations 2016
Regulation 36(5)**

**ENFORCEMENT NOTICE TO TAKE SPECIFIED STEPS IN RELATION TO A
BREACH/ANTICIPATED BREACH OF PERMIT CONDITION(S)**

To: Tower Regeneration Limited
Tower Surface Mine
Tirherbert Road
Hirwaun
Mid Glamorgan
CF44 9UF

Environmental permit: AN0314801

Regulated facility: North Lagoon, Tower Colliery, Tirherbert Road, Hirwaun, Aberdare, CF44 9UF

Natural Resources Wales considers that the following condition of the environmental permit is being contravened:

Permit Condition 1(a) – Discharge shall not contain any poisonous, noxious or polluting matter

Because:

The discharge from AN0341801 is causing significant environmental detriment to the River Cynon catchment from polluting matter arising from operations at Tower Regeneration Limited site.

You are required to take the steps set out in Schedule 1 by the date(s) specified in order to remedy the contravention.

Date 1st July 2020

Signed



**Richard Jones
Arweinydd Tim – Pen-y-bont a Chwm Taf
/Team Leader – Cwm Taf and Bridgend**

Natural Resources Wales
Rivers House
St Mellons Business Park
Fortran Road
St Mellons
Cardiff
CF3 0EY

Please see over for notes.

Environmental Permitting (England and Wales) Regulations 2016 Regulation 36(5)

Notes:

General

1. Failure to comply with this notice is an offence under Regulation 38(3) of the Environmental Permitting (England and Wales) Regulations 2016 and may result in legal action being taken against you.
2. Without prejudice to the requirements of this notice, failure to comply with a condition of an environmental permit is an offence and may result in legal action being taken against you.
3. You may wish to seek independent legal advice.

Appeal provisions

You are entitled to appeal against this notice under Regulation 31(1)(f) of the Environmental Permitting (England and Wales) Regulations 2016. Notice of appeal must be made within two months of the date of this notice. An appeal does not affect the requirements of this notice.

You must send written notice of the appeal and the documents listed below to:

Welsh Ministers
The Planning Inspectorate for Wales
Crown Buildings
Cathays Park
Cardiff. CF10 3NQ
Tel: 029 2082 3866
E-Mail: wales@pins.gsi.gov.uk
<http://www.planningportal.gov.uk/planning/appeals>

At the same time you must send a copy of the appeal notice and documents to us.

The required documents are:

a statement of the grounds of appeal;
a copy of any relevant application;
a copy of any relevant environmental permit;
a copy of any relevant correspondence between the appellant and the regulator;
a copy of any decision or notice which is the subject matter of the appeal; and
a statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

You may withdraw an appeal by notifying Welsh Ministers in writing and sending a copy of that notification to us.

Further information about making an appeal and the forms that you will need are available from the Environmental Protection Division.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency in Wales.

**Environmental Permitting (England and Wales) Regulations 2016
Regulation 36(5)**

SCHEDULE 1 STEPS TO BE TAKEN		
Condition number	Steps to be taken	By date
1(a)	<p>Cease all operations at Tower Regeneration Limited that contribute to the breach of permit condition 1(a)</p> <p>During periods of dry weather, lagoons are to be emptied by tanker or other means in order to cease further risk of pollution from Tower Regeneration Limited. All waste removed from Tower Regeneration Limited must be by use of a registered waste carrier. Follow Duty of Care procedures and retain the Waste Transfer Note for your records. Copy of Waste Transfer Note to be forwarded to NRW.</p> <p>Ensure that all drainage and lagoon systems connected to AN0314801 provide adequate attenuation and treatment. Treatment measures to include flocculation and use of silt mats as appropriate.</p>	From date of notice